REMARKS

This paper is responsive to the Office Action mailed December 11, 2007. Claims 1, 40-46, and 109-124 are currently subject to examination in the application. Claims 2-39 and 47-99 have been withdrawn from consideration. Claims 1, 40-43, 45-46, 109, 111-113, 115-117, 119-121, and 123-124 have been amended. Applicant requests reconsideration of the claims and allowance of the application.

Information Disclosure Statements

Applicant thanks the Examiner for the consideration given to the Information Disclosure Statements (IDSs) dated September 17, 2001; July 1, 2002; September 18, 2007; and October 9, 2007. The Office Action indicated that consideration would be given to the IDSs filed February 5, 2005; October 9, 2006; and December 18, 2006; however, initialed copies of those statements were not returned with the Office Action. Applicant requests the Examiner to provide initialed copies of the IDSs filed February 5, 2005; October 9, 2006; December 18, 2006, as well as the IDS filed January 4, 2008. An additional IDS is submitted herewith. Applicant thanks the Examiner for the consideration given to each of the references cited in the IDSs.

Patentability of Claims 1, 40-46, and 109-124 Over Korhammer

In the Office Action, Claims 1, 40-46, and 109-124 were rejected under 35 U.S.C. § 102(e) as being anticipated by Korhammer et al. (US 6,278,982) (hereinafter "Korhammer"). Applicant respectfully traverses the rejection and requests reconsideration of the claims.

Korhammer does not teach or suggest a method of facilitating trading that comprises "operating an integrated computer system forming a platform on which multiple processes are executing" and "executing, during an overlapping time interval on the same platform, at least two market processes having respective market methodologies, wherein each of the market processes provides a distinct and separate market at which trades can be executed," as claimed in amended Claim 1. An example environment is illustrated in FIGURE 1 of the present application and in the corresponding text at page 4, line 5, to page 7, line 7, of the specification as filed.

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At best, Korhammer teaches a securities trading system for consolidation of trading on multiple ECNs and electronic exchanges. According to Korhammer, a customer is allegedly able to use a single trader terminal to view, analyze, and conduct securities transactions with two or more ECNs, alone or in combination with one or more electronic exchanges. See, e.g., the Abstract of Korhammer. A consolidating computer system ("CCS") aggregates order book information from each participating ECN order book computer and electronic exchange. The combined information is displayed to the customer. See, e.g., Figure 2 of Korhammer.

Contrary to Claim 1, Korhammer teaches multiple different systems (ECNs and electronic exchanges), each of which is separately operated and executed on a different system using different protocols. Korhammer merely provides a "consolidation system" (Col. 4, lines 13-14) that communicates with each of the different ECNs and exchanges according to their native protocols and consolidates the market information into a single display for the user. Such a system is explicitly described in the present application at page 4, lines 15-18, where the application explains:

> In conventional securities trading systems, the term "platform" usually indicates a system for mapping data from disparate data sources onto one or more display screens to aid in comprehension of the data by a securities trader. An objective of a conventional platform is to make it easier for the securities trader to communicate with disparate data sources.

As to the subject matter of the present application, the application thereafter explains, at page 4, lines 18-22:

> In contrast, as used herein and in the claims, the term "platform" indicates a computer system for supporting software processes that can exist independently of each other and that communicate with each other in a standardized manner. That is, the platform makes it easier for processes to communicate with each other.

Referring to the drawings in the present application, and in particular to FIGURE 1, there is illustrated a block diagram showing components that may be used with the present methodology. System 5 is a general purpose computer or network of computers that functions as a platform for allowing electronic liquidity finder (ELF) programs (otherwise referred to as

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trading processes) and umpire programs (market processes) to interact. As explained at page 4, lines 5-14, the platform of system 5 embodies a protocol for standardizing market trading methodologies, order representation and processing, and data formats. System 5 provides platform services 60 to the ELFs and umpires active within system 5. Platform services 60 includes, among other things, linked order execution manager 61, platform status monitor 62, contra-party preference updating 63, system status board 64C, market status board 65, broadcast services 66, and stop order manager 67.

By operating an integrated computer system that forms a platform on which multiple processes are executing and simultaneously executing on the platform at least two market processes having respective market methodologies, as claimed in the present application, the complex communication and translation structures of Korhammer are not needed. In reference to Figure 2 of Korhammer, to the extent the Patent Office considers the consolidating computer system (CCS) 100 to constitute the "platform" claimed in Claim 1, and the ECNs 50, 51, 53, and 54 and the electronic exchange 52 to constitute the claimed "market processes," it is readily observed that the ECNs 50, 51, 53, and 54 and the electronic exchange 52 are <u>not executing on the CCS 100</u>. The ECNs 50, 51, 53, and 54 and the electronic exchange 52 are executing on different servers comprising different systems as illustrated by the separate dashed boxes referenced by the numerals 50, 51, 52, 53, and 54. The ECNs 50, 51, 53, and 54 and the electronic exchange 52 may *communicate* with the CCS 100, as illustrated by the arrowed lines in Figure 2, but this does not constitute *executing* the ECNs 50, 51, 53, and 54 and the electronic exchange 52 on the CCS 100. Nowhere does Korhammer suggest an integrated computer system forming a platform as claimed, on which at least two market processes having respective market methodologies are simultaneously executing.

Korhammer also fails to teach or suggest "automatically enabling at least two trading processes to trade with each other at the markets provided by the market processes according to

the respective market methodologies, wherein the trading processes are executing on the same platform as the market processes," as claimed in Claim 1.

To the extent the Patent Office considers a process operating on the terminal 101 to be a "trading process" and the consolidating computer system (CCS) 100 to be the claimed "platform," Korhammer nowhere describes the process of terminal 101 as executing on the CCS 100, much less "executing on the same platform as the market processes." Indeed, the terminal 101 uses the CCS 100 as a intermediary to translate communications with the ECNs 50, 51, 53, and 54 and the electronic exchange 52.

Applicant submits that Korhammer does not teach or suggest the elements recited in amended Claim 1 and therefore does not support a *prima facie* case of anticipation. Claim 1 should be allowed. Additionally, Claims 40-46 should be allowed, both for their dependence on Claim 1 and for the additional subject matter they recite, which includes:

- automatically maintaining a market process status file on the computer system forming the platform, wherein the market process status file includes a status of each of the market processes **(Claim 40, as amended)**;
- wherein the market process status file is accessible to at least one of the market processes **(Claim 41, as amended)**;
- wherein the market process status file is accessible to at least one of the trading processes **(Claim 42, as amended)**;
- checking an access permission for a trading process before providing the trading process with access to the market process status file **(Claim 43, as amended)**;
- automatically updating in the market process status file the status of at least one of the market processes that has changed its operational mode **(Claim 44, as previously presented)**;
- wherein the operational mode is an in process mode in which the market process has priority over other market processes for executing a trade **(Claim 45, as amended)**; and
- wherein the operational mode is a fast symbol mode in which a trade is available for execution without regard to the status of the trade as represented in a different market provided by another of the market processes **(Claim 46, as amended)**.

The amendments to Claims 40-46 are supported in the original application, e.g., at page 11, lines 16-23; page 22, lines 18-26; and page 37, lines 14-28, among other places in the application as filed.

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Claims 109-116 (system claims) and 117-124 (computer-accessible medium claims) have been amended similar to Claims 1 and 40-46, and should be allowed for reasons similar to those discussed above with respect to Claims 1 and 40-46.

In view of the patentability of Claims 1, 40-46, and 109-124, applicant further requests rejoinder and allowance of withdrawn Claims 2-39 and 47-99.

<div align="center">CONCLUSION</div>

Applicant requests withdrawal of the claim rejections and issuance of a notice of allowance. Should the Examiner identify any additional matters needing resolution prior to allowance, the Examiner is invited to contact the undersigned counsel by telephone.

Respectfully submitted,

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